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**FACSIMILE TRANSMITTAL**

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**TO:**

**Name:** Mail Stop AF  
Group Art Unit 3731/Examiner Ryan Severson

**Firm:** U.S. Patent & Trademark Office

**Fax No.:** 571-273-8300

**Subject:** U.S. Patent Application No. 09/626,636

Gary Karlin Michelson

Filed: July 27, 2000

A GUARD FOR USE IN PERFORMING

HUMAN INTERBODY SPINAL SURGERY

Attorney Docket No. 102.0003-04000

Customer No. 22882

Confirmation No. 6124

**FROM:**

**Name:** Thomas H. Martin, Esq.

**Phone No.:** 330-877-2277

**No. of Pages (including this):** 5

**Date:** January 6, 2009

**Confirmation Copy to Follow:** NO

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate; total amount of \$1,030.00 to cover the \$490 two-month extension fee and \$540 Notice of Appeal fee is to be charged to Deposit Account No. 50-3726), Petition for Extension of Time (Form PTO/SB/22) and Notice of Appeal (Form PTO/SB/31) are being facsimile transmitted to the U.S. Patent and Trademark Office on January 6, 2009.



Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 102.0003-04000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Karlin Michelson

Serial No: 09/626,636

Filed: July 27, 2000

For: A GUARD FOR USE IN  
PERFORMING HUMAN INTERBODY  
SPINAL SURGERY

Confirmation No. 6124

Art Unit: 3731

Examiner: Ryan J. Severson

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JAN 06 2009

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Further to the Advisory Action of November 26, 2008, transmitted herewith is a Notice of Appeal in reply to the Final Office Action dated August 6, 2008 in the above-identified application.

- ☐ No additional fee is required.
- ☒ A Petition for Extension of Time Under 37 C.F.R. § 1.136(a) (Form PTO/SB/22) for two months is enclosed.
- ☐ The total amount of \$1,030.00 to cover the \$490 two-month extension fee and \$540 Notice of Appeal fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLPDate: January 6, 2009By: Thomas H. Martin  
Registration No. 34,3831557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
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FORM PTO-1083

Attorney Docket No.: 102.0003-04000  
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